

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT J. HOWELL, JR.,

Defendant.

NO. CR21-190 JCC

DISCOVERY PROTECTIVE ORDER

This matter, having come to the Court's attention on the parties' stipulated motion for entry of a discovery protective order, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. Protected Material

The following documents and materials are deemed Protected Material. The United States will make available copies of the Protected Materials, including those filed under seal, to defense counsel to comply with the government's discovery obligations. Possession of copies of the Protected Materials is limited to the defense attorneys of record, and investigators, paralegals, law clerks, experts, and assistants for the attorneys of record (hereinafter collectively referred to as members of the defense team). This

category of Protected Materials will be marked and labeled as “PROTECTED” by the government:

- a. Investigative material, search warrant affidavits, and other discovery materials containing information about sensitive law enforcement techniques and/or details about or results of the undercover investigation.

2. Scope of Review of Protected Material

Defense attorneys of record and members of the defense team may display and review the Protected Material with the defendant. The attorneys of record and members of the defense team acknowledge that providing copies of the Protected Material to the defendant and other persons is prohibited and agree not to duplicate or provide copies of Protected Material to the defendant and other persons.

3. Consent to Terms of Protective Order for Defense Team Members Who Are Not Employees

Members of the defense team, including outside experts retained by the defense, who are not employed directly by defense counsel shall provide written consent and acknowledgement that they will each be bound by the terms and conditions of this Protective Order. The written consent need not be disclosed or produced to the United States unless requested by the Assistant United States Attorney and ordered by the Court.

4. Parties’ Reciprocal Discovery Obligations

Nothing in this order should be construed as imposing any discovery obligations on the government or the defendant that are different from those imposed by case law and Rule 16 of the Federal Rules of Criminal Procedure, and the Local Criminal Rules.

5. Filing of Protected Material

Any Protected Material or information contained therein that is filed with the Court in connection with pre-trial motions, trial, sentencing, or other matter before this Court, shall be filed under seal and shall remain sealed until otherwise ordered by this

1 Court. This does not entitle either party to seal their filings as a matter of course. The
2 parties are required to comply in all respects with the relevant local and federal rules of
3 criminal procedure pertaining to the sealing of court documents.

4 6. Non-termination and Retention of Protected Material

5 The provisions of this Order shall not terminate at the conclusion of this
6 prosecution. However, upon conclusion of the case, the defense counsel shall ensure that
7 all copies of any Protected Material provided in discovery have been either destroyed or
8 returned to the Assistant United States Attorney serving as counsel of record at the time
9 of the conclusion of the case.

10 7. Modification and Parties' Obligation to Meet and Confer

11 If either party believes a modification of this Order is warranted, they must meet
12 and confer to determine whether they can agree on the necessary modification(s) via
13 stipulated motion before filing a motion to modify this Order with the Court.

14 8. Violation of Protective Order

15 Any violation of any term or condition of this Order by the Defendant, his
16 attorney(s) of record, or any member of the defense team may result in contempt of court,
17 and/or monetary or other sanctions as deemed appropriate by this Court.

18 If the defendant violates any term or condition of this Order, the United States
19 reserves its right to seek a sentencing enhancement for obstruction of justice, or to file
20 any criminal charges relating to the Defendant's violation.

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1 DATED this 3rd day of November, 2023.
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6 John C. Coughenour
7 UNITED STATES DISTRICT JUDGE

8 Presented by:

9 s/ Matthew P. Hampton

10 MATTHEW P. HAMPTON
11 Assistant United States Attorney

12 s/ Gregory Geist

13 GREGORY GEIST
14 Attorney for Defendant
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